

NITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

PAUL JONES,)
)
)
Plaintiff,)
)
v.)
)
EXPERIAN INFORMATION SOLUTIONS, INC.;)
LAW OFFICES OF ANDREU, PALMA &)
ANDREU, PL; WELTMAN, WEINBERG & REIS)
CO., LPA; MCCARTHY BURGESS & WOLF, INC.;)
REVENUE GROUP; CAVALRY PORTFOLIO;)
DYNAMIC RECOVERY SERVICE, INC.; UNITED)
RECOVERY SYSTEMS, LP, INTEGRITY)
SOLUTIONS SERVICES, INC.; PRO DEBT)
MEDIATIONS, INC.; THE LAW OFFICE OF)
POLLACK & ROSEN; TRANS UNION LLC;)
EQUIFAX INFORMATION SERVICES LLC;)
BANK OF AMERICA, N.A.; BANK OF AMERICA)
HOME LOANS,)
)
Defendants.)

**MOTION TO DISMISS BY DEFENDANT BANK OF AMERICA, N.A., SUCCESSOR BY
MERGER TO BAC HOME LOANS SERVICING, LP**

Pursuant to Fed. R. Civ. P. 12(b)(6), Defendant Bank of America, N.A. (“BANA”), successor by merger to BAC Home Loans Servicing, LP f/k/a Countrywide Home Loans Servicing LP, by and through its undersigned counsel, hereby respectfully requests that the Court dismiss Plaintiff’s January 28, 2014 Complaint (the “Complaint” or “Compl.”) as to BANA and Bank of America Home Loans¹ for failure to state any cognizable claim for relief. Support for this motion is more fully set forth in BANA’s accompanying memorandum of law, filed contemporaneously herewith.

¹ No such entity exists, but presumably Plaintiff means BAC Home Loans Servicing, LP, which is now BANA.

Respectfully submitted,

Bank of America, N.A., successor by merger to BAC
Home Loans Servicing, LP

By its attorneys,

/s/ Ryan M. Cunningham

Stephen C. Reilly, BBO #555371
Ryan M. Cunningham, BBO # 661440
SALLY & FITCH LLP
One Beacon Street
Boston, MA 02108
617-542-5542
scr@sally-fitch.com
rmc@sally-fitch.com

Dated: March 24, 2014

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I, Ryan M. Cunningham, hereby certify that on March 24, 2014, counsel for BANA attempted to confer with the Plaintiff by telephone in a good faith effort to resolve or narrow the issues presented in this motion.

/s/ Ryan M. Cunningham _____
Ryan M. Cunningham

CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing document to be filed through the Court's ECF system and will be sent electronically to the registered participants as identified on the Notice of Electronic Filing, and paper copies will be sent to those indicated as non-registered participants on March 24, 2014.

/s/ Ryan M. Cunningham _____
Ryan M. Cunningham